



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Thami SMIRES et al.

Group Art Unit: **3624**

Serial No: **10/658,405**

Examiner: **S. Meinecke Diaz**

Filed : **September 10, 2003**

For : **METHOD AND APPARATUS FOR
CONDUCTING TRANSACTIONS
GENERATED AT POINT-OF-SALE
LOCATIONS**

AMENDMENT A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed on April 5, 2007,
please amend the application as follows:

In the Claims:

Please amend the application as shown in the attached new
set of claims in which claims 2-10 have been added.

REMARKS

The Office Action of April 5, 2007, and the references
cited therein have now been carefully studied. Reconsideration and
allowance of this application are earnestly solicited.

The present invention is directed to a system including
a plurality of point-of-sale terminals in communication with a
credit card server, a database connected to the credit card server
as well as a transaction manager connected to the credit card
server. The point-of-sale terminals are provided at a plurality of
permanent locations and/or at a plurality of mobile locations. The
point-of-sale terminals are connected to the credit card server

either by a wired or a wireless communications link. The credit card server is connected to a plurality of credit card processors. The credit card server includes a decision table used to decide which of the credit card processors should receive a particular transaction.

Information transmitted to the credit card server from the point-of-sale terminals could be encrypted and then decrypted by the credit card server. Additionally, the credit card server could encrypt data transmitted from the point-of-sale terminals before it is entered into a database. Additionally, a transaction manager is connected to the credit card server allowing each of the merchant's associated with the point-of-sale terminals to view the transactions in real time.

The Examiner has rejected claim 1 of the present invention under 35 USC §103(a) as being unpatentable over the Kim et al reference in view of the Hutchison et al reference. This rejection is respectfully traversed.

Initially, it is noted that the Kim et al reference was filed on July 21, 2003, based upon a provisional patent application filed on July 22, 2002. Therefore, the effective date of the Kim et al reference is July 22, 2002.

The present invention was filed in the U.S. Patent Office on September 10, 2003, claiming the benefit of a provisional patent application filed on September 10, 2002, i.e. two months subsequent to the effective filing date of the Kim et al reference.

It is maintained that the present invention was conceived and reduced to practice prior to July 22, 2002. Consequently, applicant is enclosing herewith a Declaration under §1.131 signed by all of the inventors attesting to this fact. The enclosed Declaration includes Exhibits I and II which were included in the above-noted Office Action. Both of these Exhibits describe the existence of the system developed by the inventors and embodied in the present patent application. This system was developed by Comstar Interactive which employed the inventors to develop the

invention denoted as the "Charge Anywhere" system. The enclosed Declaration is provided with a Table showing the relationship between claim 1 of the present invention and the material in Exhibits I and II. The left column of the Table includes all of the material in claim 1 and the right column indicates where this material is recited in Exhibits I and II.

Exhibit I is dated February 11, 2002 and describes the "Charge Anywhere" system in which wireless credit card transactions are processed and the various merchants using the system can log on to a website to see the transactions in real time.

Although Exhibit II is dated August 21, 2002, one month subsequent to the effective filing date of the Kim et al reference, a reading of this Exhibit would indicate that the system was in place for more than one month prior to its issuance. Since it is believed that these documents indicate both a conception as well as reduction to practice of the system claimed in claim 1 as originally filed as well as claims 2-10 which accompany this amendment, the Kim et al reference cannot be utilized by the Examiner.

Additionally, it is noted that the combination of the Kim et al reference and the Hutchison et al reference do not anticipate or suggest the present invention as now claimed in this application. For example, the Examiner does concede that the Kim et al reference does not disclose a transaction manager connected to a credit card server for managing a website allowing a merchant associated with each of the point-of-sale terminals to view their respective transactions. It is submitted that the present invention would allow merchants to view their respective transactions in real time. Although the Hutchison et al reference would allow a merchant to view transaction settlement reports as illustrated in FIGS. 33-35, these reports are not analogous to the real time viewing of each of the transactions, and additionally, would not allow the merchants to alter any of the transactions.

Furthermore, data transmitted from one or more of the point-of-sale terminals is encrypted when it is received by the credit card server. Additionally, data from the point-of-sale terminals which is not encrypted, can be encrypted by the credit card server prior to entering this information into the database. This does not appear to be the situation in the Kim et al and Hutchison et al references.

Therefore, it is respectfully submitted that the present invention as currently claimed, is not anticipated or suggested by the combination of the Kim et al and Hutchison et al references.

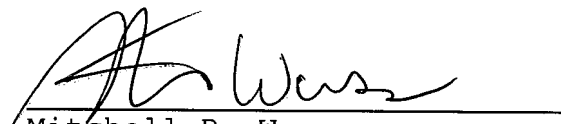
Consequently, for the reasons enumerated herein above, it is believed that the present invention was conceived and reduced to practice prior to the effective date of the Kim et al reference and, the present invention as claimed is not anticipated or suggested by the combination of the Kim et al and Hutchison et al references.

Therefore, it is respectfully requested that the present invention be allowed.

Finally, applicant is also enclosing a substitute Declaration signed by Thami Smires as requested by the Examiner.

If any additional fees are due or owing, please charge Deposit Account 08-2455 the deficiency.

Respectfully submitted,



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Attorney Docket No: A-8196.AM/cat